

Message Text

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66-60

ACTION ARA-10

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FM AMEMBASSY SANTO DOMINGO

TO SECSTATE WASHDC 4703

C O N F I D E N T I A L SANTO DOMINGO 3918

E.O. 11652: GDS

TAGS: PINT, CASC, DR

SUBJ: THREE PUERTO RICAN PRISONERS

REF: SD 3484

1. WE HAVE NOTED FROM USINFO THAT CONGRESSMAN BADILLO HAS WRITTEN SECRETARY URGING THAT US SEEK IMMEDIATE RELEASE OF SUBJECT PRISONERS. AS LONG AS CASES ARE JUDICIARY WE DOUBT VERY MUCH THAT PRESIDENT BALAGUER WOULD BE INCLINED TO INTERVENE. AT PRESENT, THE COURT OF APPEALS HAS TAKEN JURISDICTION OF CASES AND WE EXPECT THAT IT WILL SET TRIAL FOR NEAR FUTURE. IF, AS WE ANTICIPATE, APPEALS COURT CONFIRMS THIRTY-YEAR SENTENCES, DEFENDANTS CAN FURTHER APPEAL TO SUPREME COURT WHICH USUALLY MEANS AN EXTENDED PERIOD IN JAIL BEFORE THE CASES CAN BE HEARD, DUE TO HEAVY SUPREME COURT CASE LOAD.

2. THE DEFENDANTS' ALTERNATIVE IS NOT TO APPEAL TO THE SUPREME COURT IN WHICH CASE WE BELIEVE WE CAN BRING INFLUENCE TO BEAR SOONER WITH THE GOAL OF OBTAINING BALAGUER'S CLEMENCY IN THE FORM OF EITHER A SUBSTANTIAL REDUCTION IN THE JAIL SENTENCE OR DEPORTATION. IN THIS REGARD, AMBASSADOR RECENTLY PURSUED CONVERSATION WITH POLIBIO DIAZ (REFTEL) WHO IN REPLY TO QUERY SAID THAT HE HAD FAITHFULLY REPORTED CONVERSATION TO THE PRESIDENT AND THAT HIS IMPRESSION WAS THAT SUBSTANCE HAD FALLEN ON "FERTILE GROUND".

3. WE HAVE EXPLAINED THE ALTERNATIVES TO SAMPSON'S PARENTS
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WHO HAVE DISCUSSED THEM WITH SAMPSON. HIS PARENTS REPORT THAT

YOUNG SAMPSON PREFERS TO FOLLOW THE PARTY'S (PSP) INSTRUCTIONS,
I.E. APPEAL. THE PARTY'S INTEREST CLEARLY IS EITHER TO SEE
THIS MATTER PROLONGED AS MUCH AS POSSIBLE TO ENABLE IT TO MAINTAIN
THAT DEFENDANTS SUFFERED UNJUSTLY FOR EXTENDED PERIOD OF TIME,
OR TO FOIL US-DOMINICAN RELATIONS BY PERSUADING US TO INTERVENE
ON DEFENDANT'S BEHALF.

4. DEPT MAY WISH TO CONSIDER MEETING WITH CONGRESSMAN BADILLO TOGETHER

WITH HIS INTERESTED COLLEAGUES TO EXPLAIN THE SITUATION AND SUGGEST
THAT THEY USE WHATEVER INFLUENCE THEY MAY HAVE WITH FAMILIES,
FRIENDS AND PERHAPS THE PARTY TO ESCHEW THE APPEAL ROUTE IN
ORDER THAT THE DOMINICAN EXECUTIVE BRANCH FOCUS ON THE CASES.
HURWITCH

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